



Haryana Government Gazette

Published by Authority

© Government of Haryana

No. 3-2025] CHANDIGARH, TUESDAY, JANUARY 21, 2025 (MAGHA 1, 1946 SAKA)

PART-I

Notifications, Orders and Declarations by Haryana Government

HARYANA GOVERNMENT

PERSONNEL DEPARTMENT

Order of Governor of Haryana

The 16th January, 2025

No. 40/43/2007-4S(1).—

1. Whereas, an FIR No. 184 dated 23.08.2007 u/s 420, 465, 467, 468, 471 & 120B IPC read with Section 13(1) (d) of PC Act was registered against Sh. J.P. Thaman, HCS (Retd.) and others and pursuant thereto *vide* order No. 40/43/ 2007-4S(1), dated 24.08.2007, he was placed under suspension with immediate effect.
2. Whereas, J.P. Thaman, HCS (Retd.) was charge sheeted *vide* memorandum No. 40/63/07-45(1) dated 9.7.2008 under Rule-7 of the Haryana Civil Services (Punishment & Appeal) Rules, 1987 for the following acts of commission and omission:-
"He along with all the Sub Divisional Officers (Civil), was appointed as Secretary, Regional Transport Authority in their respective Sub Division by the State Government vide notification No. 23787/AT-1/2006, dated 4.11.2006, to exercise all the powers and functions conferred by or under chapter V of the Motor Vehicles Act, 1988, the Central Motor Vehicles Rules, 1989 and the Haryana Motor Vehicles Rules, 1993. He, in connivance with the Sh. Bal Kishan, Deputy Superintendent and Anil Sharma, Clerk, while exercising the said powers and functions, committed irregularities in the registration of motor vehicles in his sub-division and thus violated the provisions of above said acts and Rules and the instructions issued by the State Transport Controller, Haryana Chandigarh vide Memo No. 13511-77/AT- 1/ST-1 and 27229-345/A1-3ST-1 dated 23.6.2006 and 29.12.2006 respectively."
3. Whereas, Sh. J.P. Thaman submitted his reply to the charge-sheet on 18.11.2009 denying the allegations. The competent authority considered the said reply and finding it to be unsatisfactory to conduct a departmental enquiry into the charges, Sh. P.K. Das, IAS was appointed as inquiry officer *vide* order No. 40/43/07-S(1) dated 12.09.2011. However, before completing the enquiry, Sh. P.K. Das, IAS retired from Government service on 31.08.2022.

4. Whereas, in case FIR No. 184, dated 23.08.2007, the Court of Sh. Sandeep Garg, Additional Session Judge/ Special Judge, Jind *vide* order dated 21.01.2013, convicted Sh. J.P. Thaman for the offence punishable under section 13(1) (d) of the P.C.Act, 1988 and sentenced him to undergo rigorous imprisonment for a period of three years and to pay fine of Rs. 5000/- for the offence under section 13(1) (d) of the Prevention of Corruption Act, 1988 and in default of payment of fine, the convict shall further undergo rigorous imprisonment for six months.
5. Whereas, Sh. Anurag Rastogi, IAS was appointed as Inquiry Officer in place of Sh. P.K Das, IAS *vide* order dated 07.07.2022 to hold the departmental inquiry into the charges leveled against Sh. J.P. Thaman, HCS (Retd.) as contained in the statement of charges served upon him *vide* charge memo dated 09.07.2008.
6. Whereas, Inquiry Officer, Sh. Anurag Rastogi, IAS submitted his report on 10.05.2023, wherein the charges were proved to the extent that he had committed irregularities in registration of motor vehicles in violation of the provisions of the Motor Vehicle Act, 1988 and rules framed thereunder read with instructions issued by the State Government from time to time in this regard. However, the charges of connivance with subordinates and ulterior motive were not proved. A copy of the enquiry report dated 10.05.2023 was sent to Sh. J.P. Thaman, HCS (Retired) *vide* letter dated 26.6.2023 with the request to send his representation/comments qua Inquiry report within a month positively, if he desires so. However, in response to the letter dated 26.6.2023, Sh. J.P. Thaman *vide* letter dated 25.7.2023 sought four weeks time to file his representation in the matter but he failed to submit his reply.
7. Whereas, in the meanwhile, the competent authority observed that sub-Rule 16 of Rule 7 of the Haryana Civil Services (Punishment & Appeal) Rules, 2016 provides that the provisions of the sub-Rule 1-15 of Rule 7 of the Haryana Civil Service (Punishment & Appeal) Rules, 2016 shall not apply where any major penalty is proposed to be imposed upon a person on the ground of conduct which has led to his conviction on a criminal charge. The relevant rule is reproduced hereunder-

"Provided further that the provisions of the foregoing sub-rule shall not apply where any major penalty is proposed to be imposed upon a person on the ground of conduct which has led to his conviction on a criminal charge, or where an authority empowered to dismiss or remove him, or reduce him in rank is satisfied that, for some reasons to be recorded by him in writing, it is not reasonably practicable to give him an opportunity of showing cause against the action proposed to be taken against him, or wherein the interest of the security of the state it is considered not expedient to give to that person such an opportunity".

Whereas, Article 311 of Constitution of India provide as under:

(1) No person who is a member of a civil service of the Union or an All India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by a authority subordinate to that by which he was appointed.

(2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges;

Provided that where it is proposed after such inquiry to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed:

Provided further that this clause shall not apply—

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

(b) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or

(c) where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State, it is not expedient to hold such inquiry.

(3) If in respect of any such person as aforesaid, a question arises whether it is reasonably practicable to hold such inquiry as is referred to in clause (2), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final.

8. Whereas, the charged officer was also tried by the Court of Additional Sessions Judge, Jind for the offences u/s 420, 465, 467, 468, 471, 120B IPC read with Section 13 of the Prevention of Corruption Act, 1988 and convicted *vide* judgment/order dated 21.01.2013 and sentenced him to imprisonment for a period of three years and to pay a fine of Rs. 5,000/- and in default of payment of fine, he was directed to undergo rigorous imprisonment for six months. The charged officer filed an appeal against the order dated 21.01.2013 before the Hon'ble High Court by filing CRA No. 412-SB/2013 wherein *vide* order dated the Hon'ble High Court stayed the execution of the sentence but not the conviction.
9. Whereas, consequent upon conviction of Sh. J.P. Thaman, HCS (Retd.) by the criminal court, the Competent Authority in terms of sub-Rule 16 of Rule 7 of the Haryana Civil Services (Punishment & Appeal) Rules, 2016 read with Article 311 (2)(a) of the Constitution of India has *prima facie* decided to award a punishment of "dismissal from service" with effect from the date of retirement, *i.e.*, 31.07.2011 upon Sh. J.P. Thaman which would be operative prospectively.
10. Whereas, before imposing the punishment upon Sh. J.P. Thaman, the matter was referred to the Haryana Public Service Commission on 14.11.2023 in terms of Article 320(3) of Constitution of India for consultation of the Commission. The Haryana Public Service Commission *vide* its letter No. Dis. 22/2023/4103, dated 12.06.2024 agrees with the proposal of the State Government of dismissal from service *w.e.f.* the date of retirement, and *i.e.*, 31.07.2011 of Sh. J.P. Thaman, HCS (Retd.) and to be operative with immediate effect.

Now, therefore, the Governor of Haryana imposes the punishment of "dismissal from service" upon Sh. J.P. Thaman, HCS (Retired) with effect from the date of his superannuation, *i.e.* 31.07.2011 which would operate prospectively.

This issues with the approval of Competent Authority.

VIVEK JOSHI,
Chief Secretary to Government Haryana.